IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4520 OF 2004

Dilip Shivaji Bansode ..Applicant

V/s.

The State of Maharashtra ..Respondent

Ms.Sonia Bankapur Miskin for the applicant.

Mrs.U.V.Kejriwal, Addl.Public Prosecutor for the Respodent/State.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 16.02.2005.

PC

. The applicant Dilip Shivaji Bansode was put up for trial in Sessions Case No.156/1999 for the offence punishable under Section 302 and 201 of the Indian Penal Code. The IInd Additional Sessions Judge, Satara vide Judgment dated 7.4.2001 convicted the accused for both the offences and sentenced him to under-go imprisonment for life for the offence punishable under Section 302 of the IPC and rigorous imprisonment of 5 years for the offence punishable under Section 201 of IPC. Both the sentences were ordered to run concurrently. The accused sent this Criminal appeal through Jail which was received by the registry on 15.10.2004. The appeal suffers from long delay of about 768 days. By this Criminal

application the applicant prays for condonation of

delay. The application is sent through jail. The reason assigned in the application is that after receipt of the Judgment the applicant gave the same to an Advocate who assured him to file an appeal. After making enquiries, he came to know that the said Advocate did not file any appeal. The accused then called for a fresh certified copy and sent the appeal to this Court through jail.

2. The learned Additional Public Prosecutor did not oppose the application. She submitted that the accused is in jail and there is nothing to dis-believe his statement made in the application.

3. For the reasons stated in the application, we are satisfied that the applicant was prevented by sufficient cause in filing the appeal in time.

4. Accordingly, we allow the Criminal application and condone the delay in filing the Criminal appeal.

5. Criminal application stands disposed of.

(R.M.LODHA,J)

(R.S.MOHITE,J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1254 OF 2004

Dilip Shivaji Bansode ..Appellant

V/s.

The State of Maharashtra ..Respondent

Ms.Sonia Bankapur Miskin for the appellant.

Mrs.U.V.Kejriwal, Addl.Public Prosecutor for the Respondent/State.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 16.02.2005.

PC

. The appeal is through jail and is barred by 768 days. By a separate order passed by us today in Criminal application 4520 of 2004, we have condoned the delay in filing the appeal.

2. Appeal is accordingly admitted.

3. Ms.Sonia Bankapur Miskin from amongst the panel of Amicus curiae has already been appointed to represent the accused. The office is directed to supply her paper book as and when received from the trial Court.

(R.M.LODHA,J)

(R.S.MOHITE,J)